

to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the District of Columbia Department of Public Health, Air Quality Division, 2100 Martin Luther King Avenue, S.E., Washington, DC 20020.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814-2179, at the EPA Region III address above, or by e-mail at cripps.christopher@epa.gov.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: July 23, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 99-19904 Filed 8-4-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6410-2]

Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to grant final authorization to the hazardous waste program revisions submitted by Wisconsin. In the "Rules and Regulations" section of this **Federal Register**, EPA is authorizing the State's program revisions as an immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The Agency has explained the reasons for this authorization in the preamble to the immediate final rule. If EPA does not receive adverse written comments, the immediate final rule will become effective and the Agency will not take further action on this proposal. If EPA receives adverse written comments, EPA will withdraw the immediate final rule and it will not take effect. EPA will then address public comments in a later final rule based on this proposal. EPA may not provide further opportunity for comment. Any parties interested in

commenting on this action must do so at this time.

DATES: Written comments must be received on or before September 7, 1999.

ADDRESSES: Mail written comments referring to Docket Number ARA 6 to Mr. Daniel F. Chachakis, U.S. EPA Region 5 Waste, Pesticides and Toxics Division, Waste Management Branch (DM-7J), 77 W. Jackson Blvd., Chicago, IL 60604. You can examine copies of the materials submitted by Wisconsin during normal business hours at the following locations: EPA Region 5 Waste, Pesticides and Toxics Division, Waste Management Branch, State Programs and Authorization Section, 7th Floor, 77 West Jackson Blvd., Chicago, IL 60604, phone number (312) 886-2022; or Wisconsin Department of Natural Resources, 101 South Webster Street, Madison, WI 53707-7921, phone number (608) 267-2761.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel F. Chachakis, Environmental Protection Specialist, at the above address and phone number.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

David A. Ullrich,

Acting, Regional Administrator, Region 5.

[FR Doc. 99-19735 Filed 8-4-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6412-6]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Kassouf-Kimerling Superfund Site from the National Priorities List (NPL): request for comments.

SUMMARY: The United States Environmental Protection Agency (EPA) Region 4 announces its intent to delete the Kassouf-Kimerling Superfund Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the Florida Department of Environmental Protection (FDEP) have determined that the site poses no significant threat to public health or the environment and therefore, further response measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning the proposed deletion of this site from the NPL may be submitted on or before September 7, 1999.

ADDRESSES: Comments may be mailed to: Richard D. Green, Director, Waste Management Division, United States Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303-8909.

Comprehensive information on this site is available through the EPA Region 4 public docket, which is available for viewing at the information repositories at two locations. Locations, contacts, phone numbers and viewing hours are: Record Center, U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia 30303-8909, (404) 562-9530, hours: 8:00 a.m. to 4:00 p.m., Monday through Friday by appointment only; Tampa/Hillsborough County Public Library/Special Collections, 900 North Ashley, Tampa, Florida 33602, (813) 273-3652, hours: 9:00 a.m. to 9:00 p.m., Monday through Thursday, 9:00 a.m. to 5:00 p.m., Friday through Saturday.

FOR FURTHER INFORMATION CONTACT: Randa Chichakli, U.S. EPA Region 4, Waste Management Division, 61 Forsyth Street, Atlanta, Georgia 30303-8909, (404) 562-8928.

SUPPLEMENTARY INFORMATION:

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I. Introduction

EPA Region 4 announces its intent to delete the Kassouf-Kimerling Superfund Site, Hillsborough County, Tampa, Florida, from the National Priorities List (NPL), Appendix B of the National Contingency Plan (NCP) and requests comments on this deletion. The EPA identifies sites on the NPL that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Trust Fund. Pursuant to 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this site from the NPL for thirty calendar days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how this site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425 (e), sites may be deleted from or re-categorized on the NPL where no further response is appropriate. In making this determination, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

1. Responsible parties or other persons have implemented all appropriate response actions required;
2. ALL appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
3. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

If a site is deleted from the NPL where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazardous Ranking System.

III. Deletion Procedures

EPA will accept and evaluate public comments before making a final decision on deletion from the NPL. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of the Site:

1. EPA has recommended deletion and has prepared the relevant documents;
2. FDEP has concurred with the deletion decision;

3. Concurrently with this Notice of Intent to Delete, notices have been published in local newspapers and have been distributed to appropriate federal, state and local officials and other interested parties announcing a 30-day public comment period on the proposed deletion from the NPL;

4. EPA has made all relevant documents available at the information repositories;

5. EPA will respond to significant comments, if any, submitted during the public comment period.

Deletion of the site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. EPA will prepare a Responsiveness Summary, if necessary, which will address the comments received during the public comment period.

A deletion occurs when the Regional Administrator places a Notice of Deletion in the **Federal Register**. Any deletions from the NPL will be reflected in the next NPL update. Public notices and copies of the Responsiveness Summary, if necessary, will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this Site from the National Priorities List.

The Kassouf-Kimerling Superfund Site (also referred to as the 58th Street Landfill or the Site) is located in Hillsborough County, just north of Columbus Drive on the east side of 58th in Tampa, Florida. The Site is approximately 60 feet wide by 700 feet long and lies just east of 58th Street and west of the marsh separating the Site from Peninsular Fisheries. A canal was cut through the landfill in the late 1970's and connects a marsh located west of 58th Street to the marsh just east of the Site.

Prior to 1978, the soil and sediment at the Site were excavated and sold for their peat content. The excavation was then backfilled with refuse from a local battery-cracking and lead recovery facility. The landfill material consisted of rubber and plastic lead-acid battery casings covered by a thin layer of sand. The depth of the landfill material varied from 6 to 12 feet, with an estimated total fill volume of 11,350 cubic yards.

The initial evaluation of the Kassouf-Kimerling Site was conducted by Florida Department of Environmental Regulation in 1981, along with several regulatory agencies, including EPA.

Considering the possible threats the Site was proposed for inclusion on the National Priorities List ("NPL") in October 1981. The Site appeared on the National Priorities List in EPA's first **Federal Register** citation in 1982. EPA and FDEP then conducted the Remedial Investigation (RI). The detailed study of the nature and extent of contamination was conducted from September 1985 to June 1988. The RI included geophysical investigations, soil borings, soil sampling, sediment sampling, groundwater sampling, and surface water sampling. These investigations identified lead contamination in soil and groundwater at the landfill as well as in the surface water and sediment of the adjacent marsh. The final RI report, Feasibility Study (FS), and Post FS Wetlands Impact Study were completed in 1989. The contaminants of concern are arsenic, cadmium, and lead. The cleanup levels for groundwater are outlined by the Florida Administrative Code for each contaminant of concern. For the soil and sediment, the Extraction Procedure (EP) Toxicity Test and the Toxicity Characteristic Leaching Procedure (TCLP) were used to establish acceptable concentrations.

EPA issued two Records of Decision (RODs) to document the cleanup remedies selected for the Site. The first ROD, which was designated Operable Unit 1-OU1, addressed the source of contamination in the landfill area. The OU1 ROD was signed in 1989. The second ROD (Operable Unit 2-OU2), which was signed in 1990, addressed contamination found in the marsh/wetlands.

The selected remedy for the OU1 ROD included the following components:

- Excavation of approximately 11,356 cubic yards of contaminated materials;

- Contaminated materials were excavated at a maximum depth of 12 feet;
- Solidification/stabilization of excavated materials;
- Placement of solidified material on-site in the landfill area.

- The selected remedy for the OU2 ROD included the following components:

- Excavation and solidification of the upper two feet of marsh sediments near the landfill and in the canal east of the Site;
- Placement of solidified marsh waste on-site with treated landfill wastes. Backfill the marsh area and re-vegetate with grass and plants;
- Redesign the canal area so that the marsh will be flooded year round; and
- Initiate mitigation to components for wetlands impacted by the Site.

The McKay Bay Nature Park was initially proposed to be the mitigation site, but EPA and FDEP determined that it was unacceptable since the portions of the bay were found to be contaminated.

EPA decided to designate Mobbly Bay as the location for the wetlands mitigation and formalized this substitution with the March 1997 Explanation of Significant Differences.

In a Consent Decree (CD) signed with EPA, Gulf Coast Recycling (GCR) agreed to perform the Remedial Design/Remedial Action (RD/RA) as well as reimburse EPA for past costs and the cost for wetlands mitigation. Under the CD with EPA, GCR established a trust fund to ensure that the Site would have sufficient funds to conduct the Remedial Action, including the wetlands mitigation project.

To date, all construction outlined in the OU1 ROD has been completed. The requirements of the OU2 ROD have also been completed. Annual groundwater and surface water monitoring will continue to confirm that groundwater levels remain below cleanup standards. The remedies selected for the OU1 and OU2 at the Kassouf-Kimerling Site are still effective and continue to protect human health, welfare and the environment.

EPA conducted a five-year review on June 18, 1999 and concluded that the Remedial Action Objectives have been achieved, the remedy is effective and functioning as designed, and continues to remain protective of human health and the environment. EPA, has consulted with the Florida Department of Environmental Protection in evaluating the Site for deletion, and has determined that all appropriate actions at the Kassouf-Kimerling Superfund Site have been completed in accordance with the site Records of Decision, and that no further remedial action is necessary. Therefore, EPA is proposing deletion of the site from the NPL.

Dated: July 26, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.
[FR Doc. 99-20039 Filed 8-4-99; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

RIN 3067-AD02

National Flood Insurance Program (NFIP); Insurance Coverage and Rates

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: We, FEMA, are proposing to apply full-risk premium rates under the National Flood Insurance Program to structures that have suffered multiple flood losses and whose owners decline an offer of funding to eliminate or reduce future flood damage.

DATES: Please send your comments on the proposal on or before September 7, 1999.

ADDRESSES: Please send your comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (facsimile) 202-646-4536, or (email) rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Howard Leikin, Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, 202-646-2784, (facsimile) 202-646-7970, (email) Howard.Leikin@fema.gov.

SUPPLEMENTARY INFORMATION:

Definition

One of our (FEMA's) highest priorities is to correct the problem of multiple flood losses to older structures insured under the National Flood Insurance Program (NFIP). For the purpose of this proposal, we call a sub-category of these structures "target repetitive loss" buildings and define a "target repetitive loss building" as a "building with four or more losses, or with two or more flood losses cumulatively greater than the building's value." This definition is more specific than the broader category of buildings with multiple flood losses which many stakeholders of the NFIP may be more familiar with and which we have used frequently in the past to describe this national problem.

Scope of the Problem

The broader definition of a building with multiple losses, which we commonly use in the NFIP, is a building that has suffered within a ten-year period two or more losses, each resulting in at least a \$1,000 claim payment. We know that there are about 87,000 such buildings in the country,

and the total amount of claims paid by the NFIP since its inception for multiple loss buildings is \$3.5 billion. Multiple loss buildings have accounted for 36 percent of all claims dollars paid under the program.

About half of those buildings, however, are no longer in the NFIP's book of business for a variety of reasons. Some property owners have dropped their policies because we have imposed limitations on flood insurance coverage, such as not insuring personal property in basements. FEMA's mitigation projects have reduced the flood risk of a number of properties with repetitive losses through elevation or flood-proofing. In addition, some of these properties are now protected by flood control projects and storm water management projects. Also, the enforcement by State and local governments of the NFIP's flood plain management standards for elevating or flood-proofing substantially damaged properties has had a positive effect in reducing the exposure to flood loss of a number of these properties.

In spite of this, the NFIP still insures about 43,000 multiple loss buildings. We have already paid \$2 billion in flood insurance claims on these currently insured buildings, and we estimate that the continuing cost to the NFIP for these properties insured under the NFIP will average \$200 million each year.

Target Buildings

Of the 43,000 multiple loss buildings insured under the NFIP, about 8,800 have had four or more losses. In addition to these, there are another 1,300 insured buildings that have had two or three losses that cumulatively exceed the building's value. We have concluded from our actuarial studies that employing mitigation strategies for these roughly 10,000 buildings, such as relocating or elevating them, will be cost effective. These buildings will be the "target repetitive loss buildings" of this proposal.

Repetitive Loss Strategy: Objectives

We are aware that there are some multiple loss properties that demand immediate attention where the residents are at a high personal risk because of their exposure to flooding. There are other properties—often celebrated in the media—where we have made claims payments under the NFIP that exceed the value of the building, and where it makes good business sense to reduce their exposure to loss. We cannot merely shift the costs of the NFIP to other programs. So we must adopt a comprehensive approach under the NFIP that uses both mitigation, such as